

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

OBIEKWE STEPHEN OKWUDIL )  
UGOCHUKWU, )  
 )  
**Plaintiff,** )  
 )  
vs. )  
 )  
**FRED BALLARD, *et al.*,** )  
 )  
**Defendants.** )

## **MEMORANDUM AND ORDER**

## **HERNDON, District Judge:**

The Court dismissed this action for Plaintiff's failure to pay the filing fee or file a motion to proceed *in forma pauperis*. Before the Court, now, is Plaintiff's motion challenging that dismissal (Doc. 32); he asserts that he did, in fact, file an *in forma pauperis* motion when he initiated this action.

No such motion appears anywhere in the docket of this action. However, after a painstaking search through every page of each document, the Court located a few pages attached to the complaint (Doc. 1, pp. 42-47) which are print-outs of Plaintiff's account activity. Such documents, standing alone, do not constitute a motion for leave to proceed *in forma pauperis*. The fact that Plaintiff may have filed such motions in other actions is irrelevant; each action must stand on its own.

However, attached to the instant motion is an actual *in forma pauperis* motion (Doc. 32-2, pp. 16-20), without any print-out of account activity. The Court infers that this submission is Plaintiff's attempt to remedy his earlier omission, which the Court accepts.

Therefore, the instant motion (Doc. 32) is **GRANTED**. The order closing this action (Doc. 29) is **VACATED** and **HELD FOR NAUGHT**. The Clerk shall **REOPEN** this case.

After reopening the case, the Clerk shall **FILE** Plaintiff's *in forma pauperis* motion (Doc. 32-2, pp. 16-20), as a separate document.

**IT IS SO ORDERED.**

**DATED: September 26, 2007.**

/s/ DavidRHerndon

**DISTRICT JUDGE**